

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claims 1-3, 5-14, 16-26, and 28-30 are pending. Claims 1-3, 5-14, 16-26, and 28-30 stand rejected.

Claims 1, 7, 12, 19 and 24 have been amended. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed. Applicant submits that the amendments do not add new matter.

Rejections Under 35 U.S.C. § 103(a)

Claims 1-3, 5-14, 16-26, and 28-30 stand rejected under 35 U.S.C. § 103 as being unpatentable over Packer APA in view of well-known features of which Official Notice is hereby taken. The Examiner has stated that

(a) As per claims 1 and 5-7, 10-11:

i. Packer APA teaches a method comprising:

1. Using an optical drive to read a file from an optical storage medium, the optical storage device having a plurality of drive speeds [figure 3, col. 2, lines 16-28];
2. Determining a drive speed from the plurality of drive speeds based upon a format of the file [see again col. 2, lines 16-28].

ii. Packer APA, however, does not explicitly teach that the step of determining a drive speed further comprising a step of accessing a coded drive-speed lookup table stored as a firmware in a nonvolatile memory such as a ROM, PROM, EPROM, an EEPROM, or a flash memory.

iii. As previously mentioned that the Packer APA teaches multiple types of data format which is accessed at a predetermined and/or specific speed.

Accordingly, the APA packer must have relied on some source of lookup table and/or certain predetermined information in order to control the disc drive speed in accordance to the specific type of data format. Furthermore, saving control information in a non-volatile memory is common practice in the art due to the fact that the data would be remained in the memory even when the system power is cut off.

iv. Accordingly, it would have been obvious to one having ordinary skill in the art, if not already inherent in the Packer APA, at the time the invention was made to form a lookup table having a plurality of data format types and their corresponding disc drive speeds, and storing such table into a non-volatile memory such as that of Packer APA EPROM 122.

(p. 3-4, Office Action 4/1/04)

Applicant respectfully submits, however, that claim 1 is not obvious under 35 U.S.C. §103 in view of Packer APA. Claim 1 includes the limitations.

A method comprising:

using an optical storage drive to read a file from an optical storage medium, the optical storage drive having a plurality of drive speeds; ~~and~~
determining a drive speed from the plurality of drive speeds based upon a format of the file by accessing a coded drive-speed lookup table containing a plurality of coded drive speeds, each coded drive speed corresponding to a drive voltage; and
supplying the drive voltage to the optical storage drive to set the drive speed.

(Claim 1) (emphasis added)

In contrast, Packer APA does not disclose the limitation of a coded drive-speed lookup table in which each coded drive speed corresponds to a drive voltage. Packer does not disclose that this voltage is supplied to the storage device to set the drive speed.

For these reasons, applicant respectfully submits that claim 1 is not obvious in view of Packer APA.

Given that claims 2, 3, 5, and 6, depend from claim 1, applicant submits that claims 2, 3, 5, and 6 are not obvious under § 103 in view of the reference cited by the Examiner.

Applicant respectfully submits that claims 7, 12, 19, and 24, and their respective dependencies are likewise not obvious in view of Packer APA.

Moreover, applicant respectfully maintains that Packer's APA and the "well-known" features of which the Examiner takes Official Notice are incompatible and non-combinable.

The whole point of Packer is that changing speeds is undesirable. Packer teaches away from and in direct contrast to any device that would change speeds based on file format or for any reason. Packer cites increased access time to retrieve information, detrimental effect on long-term reliability of the servo/motor assembly, and costly added complexity, as reasons for not providing a drive that changes speed based upon file format. Therefore, one skilled in the art, having the teachings of Packer before them would in no way be motivated to form a lookup table having a plurality of data format types and their corresponding disc drive speeds.

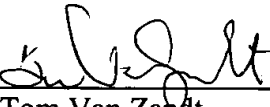
That is, since Packer APA teaches away from changing speeds in the first instance, Packer APA cannot be viewed to motivate one to modify a device that does exactly that. The Examiner is respectfully invited to reconsider the appropriateness of combining Packer APA with a lookup table having a plurality of data format types and their corresponding disc drive speeds.

For these additional reasons, applicant respectfully submits that claims 1, 7, 12, 19 and 24, and their respective dependencies are not anticipated by Packer in view of the well-known features of which the Examiner has taken Official Notice.

It is respectfully submitted that in view of the amendments and arguments set forth herein, the applicable rejections and objections have been overcome. If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 6/24/04 By: 
Tom Van Zandt
Reg. No. 43,219

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(408) 720-8300